

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DARNISHA GARBADE,

Plaintiff,

v.

Case No. 21-cv-1283

TAYLOR M. WISHAU
(in his individual capacity),

Defendant.

**DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS**

NOW COMES the Defendant, Taylor M. Wishau, by and through his undersigned attorneys, and for his Response to Plaintiffs' First Set of Interrogatories and Requests for Production of Documents to Defendant Taylor M. Wishau, states as follows:

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: Identify all the reasons you filed Discrimination Complaint Form against Darnisha Garbade on June 25, 2021.

ANSWER: I filed the discrimination complaint because I felt that Darnisha Garbade's statements on social media, which I attached to the complaint, were discriminatory and harassing against Caucasian citizens within the District and community as a whole.

INTERROGATORY NO. 2: Identify all the reasons you withdrew the Discrimination Complaint Form against Darnisha Garbade.

ANSWER: I voluntarily withdraw my complaint after I was asked to reconsider the complaint by BASD Board President Peter Turke. He asked me to consider the following points:

1. The financial impact that the investigation would have on the District, as the District had already incurred \$126,000+ in legal fees at that point dealing with a separate issue.
2. He suggested that my complaint could be reviewed as retaliatory, despite my honest belief that Garbade had made racist comments.
3. The District intended to work with DPI regarding Garbade's placement on the District's Equity Task Force and Turke stated, in sum, that the complaint could have strained that relationship.

Ultimately, I elected to voluntarily withdraw the complaint out of respect I have for Board President Turke and because I did not want the District to incur additional legal fees to investigate my complaint.

INTERROGATORY NO. 3: The Discrimination Complaint Form you filed against Darnisha Garbade on June 25, 2021 states the basis of the complaint is, racism/discrimination against a protected class. Racism/discrimination against protected class within Burlington Area School District. Racism/discrimination against protected class within Burlington Community." [Def 000006]. Identify the "protected class" referenced in the Complaint Form and all members of the "protected class."

ANSWER: I filed the complaint because I felt Garbade was discriminating and harassing all Caucasian citizens within the District and community as a whole.

INTERROGATORY NO. 4: Identify all persons who have knowledge of the Discrimination Complaint Form you filed against Darnisha Garbade, including, but not limited to, school district agents, employees, personal acquaintances, family, and media contacts.

ANSWER: See Defendant's Rule 26(a)(1)(i) Disclosures.

INTERROGATORY NO. 5: Identify all persons you talked to or communicated with about filing the Discrimination Complaint Form against Darnisha Garbade and/or about withdrawing the Discrimination Complaint Form.

ANSWER: I did not talk or communicate with anyone about filing the complaint. As noted in response to Interrogatory No. 2, I spoke with Peter Turke about withdrawing the complaint. I did not speak with anyone else about withdrawing the complaint.

INTERROGATORY NO. 6: Identify all facts upon which you base your affirmative defense that Darnisha Garbade did not engage in protected speech.

ANSWER: Objection; calls for a legal conclusion and work product.

INTERROGATORY NO. 7: Identify all facts upon which you base your affirmative defense that Taylor Wishau engaged in protected speech.

ANSWER: Objection; calls for a legal conclusion and work product.

RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: Produce all documents in your possession, custody or control relating to, referring to, or referencing Darnisha Garbade's communications regarding racism in Burlington Area School District.

RESPONSE: Objection, overly broad, unduly burdensome, and the information sought is neither relevant nor proportional to the needs of the case. Subject to the objections and without waiving same, see DEF000090-107; DEF000117-123; DEF000140-142; DEF000252-259; DEF000268-273; DEF000281-298; DEF000318-319; DEF000323-335; DEF000357-361; DEF000368-371.

REQUEST NO. 2: Produce all documents in your possession, custody or control relating to, referring to, or referencing Burlington Coalition for Dismantling Racism (BCDR)'s participation in the Burlington Area School District's Community Equity Team.

RESPONSE: Objection, overly broad, unduly burdensome, and the information sought is neither relevant nor proportional to the needs of the case. Subject to the objections and without waiving same, see DEF000181-182; DEF000262-266; DEF000372-414.

REQUEST NO. 3: Produce all documents in your possession, custody or control relating to, referring to, or referencing Darnisha Garbade's participation in the Burlington Area School District's Community Equity Team.

RESPONSE: Objection, overly broad, unduly burdensome, and the information sought is neither relevant nor proportional to the needs of the case. Subject to the objections and without waiving same, see DEF000267.

REQUEST NO. 4: Produce all documents in your possession, custody or control relating to, referring to, or referencing your Discrimination Complaint Form against Darnisha Garbade.

RESPONSE: See DEF000001-25; DEF000260-261.

REQUEST NO. 5: Produce all documents in your possession, custody or control relating to, referring to, or referencing your withdrawing the Discrimination Complaint Form against Darnisha Garbade.

RESPONSE: See DEF000003; DEF000260-261.

REQUEST NO. 6: Produce a complete copy of your personnel file, i.e., Taylor M. Wishau, including but not limited to any disciplinary files, but exclusive of medical information and social security number.

RESPONSE: Objection, overly broad, unduly burdensome, and the information sought is neither relevant nor proportional to the needs of the case. Subject to the objections and without waiving same, I do not have a copy of any personnel file in my possession, custody, or control.

REQUEST NO. 7: Produce policies, procedures, handbooks, or manuals in effect at the BASD in October 2017 through June 30, 2021, setting forth what district staff, district administrators, and district school board members are supposed to do when he or she receives a complaint of racial harassment and/or racial discrimination.

RESPONSE: Objection, overly broad, unduly burdensome, and the information sought is neither relevant nor proportional to the needs of the case. Subject to the objections and without waiving same, I do not have any responsive documents in my possession, custody, or control.

REQUEST NO. 8: Produce all documents in your possession, custody or control relating to, referring to, or referencing Darnisha Garbade's March 26, 2020 Discrimination Complaint Form. [Garbade 1].

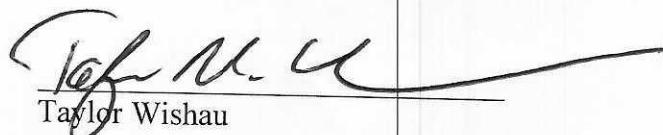
RESPONSE: Objection, overly broad, unduly burdensome, and the information sought is neither relevant nor proportional to the needs of the case. Further, certain responsive documentation is subject to attorney-client privilege. Subject to the objections and without waiving same, see DEF000144-180; DEF000183-186; DEF000268-273; DEF000305-317; DEF000320-322; DEF000362-363; DEF000364 (excluding privileged attachments).

REQUEST NO. 9: Produce all documents in your possession, custody or control relating to, referring to, or referencing your affirmative defense that Darnisha Garbade did not engage in protected speech.

RESPONSE: Objection; overly broad, unduly burdensome, calls for a legal conclusion and work product.

REQUEST NO. 10: Produce all documents in your possession, custody or control relating to, referring to, or referencing your affirmative defense that Taylor Wishau engaged in protected speech.

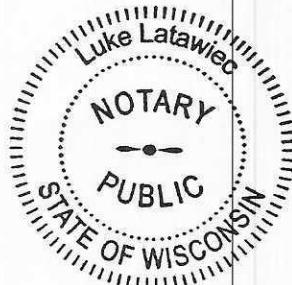
RESPONSE: Objection; calls for a legal conclusion and work product.



Taylor Wishau

Subscribed and sworn to before me
this 27th day of June, 2022.

Luke Latawiec
Notary Public - State of Wisconsin
My Commission expires: 3/9/2024



AS TO OBJECTIONS:

Dated this 27th day of June, 2022.

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